

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

**JURY TRIAL DEMANDED**

**PUBLIC VERSION**

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MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.,

Counter-Defendant.

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APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

**JURY TRIAL DEMANDED**

**PUBLIC VERSION**

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MASIMO CORPORATION and  
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.,

Counter-Defendant.

**DECLARATION OF DAVID E. MOORE IN SUPPORT OF  
PLAINTIFF AND COUNTERCLAIM-DEFENDANT APPLE INC.'S  
OBJECTIONS TO THE REPORT AND RECOMMENDATION**

I, David E. Moore, hereby declare as follows:

1. I am a Partner with the law firm Potter, Anderson & Corroon LLP, together with Desmarais LLP and Wilmer Cutler Pickering Hale and Dorr LLP, attorneys of record for Plaintiff/Counter-Defendant Apple Inc. I have personal knowledge of the facts contained herein.
2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the June 20, 2023 teleconference before the Honorable Jennifer L. Hall.
3. Attached hereto as Exhibit 2 is a true and correct copy of the hearing transcript of the October 27, 2023 hearing before the Honorable Jennifer L. Hall.
4. Attached hereto as Exhibit 3 is a true and correct copy of the hearing transcript of the June 15, 2023 hearing before the Honorable Jennifer L. Hall.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 7, 2023

By: /s/ David E. Moore  
David E. Moore

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